

Privilege, was undertaken by Goodyear as a “self-critical examination within the company” performed “for the purposes of quality control.” (Robinson Depo. at 361:9-15, attached as Exhibit A.)

4. Whether Goodyear’s “Tread Throw Investigation” was an internal analysis voluntarily performed by Goodyear for the purposes of evaluating quality control should not be in dispute given that Plaintiffs’ tire expert, David Southwell, agrees with that characterization in his expert report. (ECF No. 171 at p. 9.) Nonetheless, Goodyear submits this additional testimony for the record and in support of the first element of the self-critical analysis privilege noted above.

WHEREFORE, for each of the foregoing reasons and those previously stated, Goodyear respectfully requests that the Court grant the Motion in Limine to Exclude Evidence Pursuant to the Self Critical Analysis Privilege.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with NECivR 7.1(d)(3) and further certify that the word count function was applied to include all text, including the caption, headings, footnotes, and quotations. This document was prepared using Microsoft Word 2010 and contains 602 words.

_____/s/ Edward S. Bott, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed with the Clerk of the Court and served upon all attorneys of record using the CM/ECF system this 12th day of February, 2020.

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